

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket

JOHN ZIMMERMAN ET AL.

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METHOD AND SYSTEM FOR PROVIDING COMPLEMENTARY INFORMATION FOR A  
VIDEO PROGRAM

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Sir:

APPEAL BRIEF

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(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors to KONINKLIJKE PHILIPS ELECTRONICS N.V. recorded on September 30, 2004, at Reel 016529, Frame 0186; an assignment from KONINKLIJKE PHILIPS ELECTRONICS N.V. to PACE MICRO TECHNOLOGY PLC recorded on July 7, 2008, at Reel 021243, Frame 0122; and an assignment from PACE MICRO TECHNOLOGY PLC to KONINKLIJKE PHILIPS ELECTRONICS N.V. recorded on April 27, 2009, at Reel 022597, Frame 0708.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii)      Status of Claims

Claims 1-3 and 6-17 stand finally rejected by the Examiner. Claims 4, 5 and 18 have been cancelled. Appellants hereby appeal the rejection of claims 1-3 and 6-17.

(iv) Status of Amendments

There was one Response filed on February 22, 2010, after final rejection of the claims on January 7, 2010, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

As claimed in claim 1, the subject invention includes:

"A method for providing complementary information for a video program, said method comprising the steps of:

receiving complementary information for a video program (**Fig. 12: 1200; specification page 21, lines 24-28**);

receiving a query from a consumer, the query related to a specified portion of the complementary information (**Fig. 12: 1206; specification page 22, lines 7-13**); and

providing a query response to the consumer based on the specified portion of the complementary information (**Fig. 12: 1208; specification page 22, lines 14-15**),

wherein said method further comprises:

anticipating complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information (**Fig. 2: 118, 220, 224, 226; specification page 8, lines 8-11**),

and wherein said step of providing a query response comprises the sub-steps of:

retrieving the stored anticipatory complementary information (**specification page 9, lines 4-6**); and

providing the anticipatory complementary information as the query response (**specification page 9, lines 4-6**)."

As claimed in claim 2, the subject invention includes:

"The method as claimed in claim 1, wherein said method further comprises the step of:

determining whether a predetermined amount of time has passed since the complementary information was updated in the video program (**Fig. 2: 222; specification page 10, lines 4-7**); and

retrieving updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated (**specification page 10, lines 7-9**)."

As claimed in claim 3, the subject invention includes:

"The method as claimed in claim 1, wherein said step of receiving complementary information comprising retrieving complementary information directly from the video program (**specification page 8, lines 11-13**)."

As claimed in claim 6, the subject invention includes:

"The method as claimed in claim 1, wherein the consumer profile data comprising data identifying video programs previously viewed by the consumer (**specification page 8, lines 20-21**)."

As claimed in claim 7, the subject invention includes:

"The method as claimed in claim 6, wherein said method further comprises the step of:

automatically storing the consumer profile data identifying video programs previously viewed by the consumer when the video programs are viewed by the consumer (**specification page 8, lines 21-22**)."

As claimed in claim 8, the subject invention includes:



"The method as claimed in claim 6, wherein said method further comprises the step of:

storing the consumer profile data identifying video programs previously viewed by the consumer based on manual input by the consumer **(specification page 8, lines 20-23).**"

As claimed in claim 9, the subject invention includes:

"The method as claimed in claim 1, wherein said method further comprises the step of:

extracting complementary information from the video program using automatic person identification **(specification page 9, lines 20-29).**"

As claimed in claim 10, the subject invention includes:

"The method as claimed in claim 1, wherein said method further comprises the step of:

receiving a request that the query response be sent to a secondary screen **(specification page 11, lines 1-3).**"

As claimed in claim 11, the subject invention includes:

"The method as claimed in claim 1, wherein visual elements of the query response are configurable by the consumer **(specification page 17, lines 24-25).**"

As claimed in claim 12, the subject invention includes:

"The method as claimed in claim 1, wherein said method further comprises the step of:

receiving from the consumer an identification of complementary information as delayed complementary information, and providing the

delayed complementary information to the consumer at a later time  
**(specification page 11, lines 19-23).**"

As claimed in claim 13, the subject invention includes:  
"The method as claimed in claim 1, wherein the query comprising one  
of a "who?" query, a "what?" query, a "where?" query, a "when?"  
query, a "why?" query and a "how much?" query **(specification page  
10, lines 15-18).**"

As claimed in claim 14, the subject invention includes:  
"The method as claimed in claim 1, wherein said method further  
comprises the step of:  
providing a visual indicator to notify the consumer that  
complementary information is available upon request **(specification  
page 8, lines 14-16).**"

As claimed in claim 15, the subject invention includes:  
"The method as claimed in claim 1, wherein said method further  
comprises the step of:  
displaying the query response on a secondary screen  
synchronously with the video program **(specification page 11, lines  
1-5).**"

As claimed in claim 16, the subject invention includes:  
"A system for providing complementary information for a video  
program, said system comprising:  
a complimentary information module including a memory operable  
to store user data tables and complementary information **(Fig. 1:  
118; Fig. 2: 118, 220, 224, 226; specification page 5, lines 19-21,  
page 7, line 32 to page 8, line 5);** and

a processor operable to receive complementary information for a video program, to receive a query from a consumer, the query related to a specified portion of the complementary information, and to provide a query response to the consumer based on the specified portion of the complementary information (**Fig. 2: 222; specification page 7, lines 32-33, page 8, lines 6-13, page 9, lines 1-10,**

wherein prior to receiving a query, the processor anticipates complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information (**specification page 8, lines 8-11),**

and wherein, in response to the query, the processor retrieves the stored anticipatory complementary information and provides the retrieved anticipatory complementary information as the query response (**specification page 9, lines 1-9).**"

As claimed in claim 17, the subject invention includes:  
"The system as claimed in claim 16, wherein the processor is further operable to determine whether a predetermined amount of time has passed since the complementary information was updated in the video program (**Fig. 2: 222; specification page 10, lines 4-7)** and to retrieve updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated (**specification page 10, lines 7-9).**"

(vi) Grounds of Rejection to be Reviewed on Appeal

- (A) Whether the invention, as claimed in claims 1-3 and 9-17, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent Application Publication No. 2001/0018771 to Walker et al. in view of U.S. Patent Application Publication No. 2004/0054572 to Oldale et al.
- (B) Whether the invention, as claimed in claims 6-8, is unpatentable, under 35 U.S.C. 103(a), over Walker et al. in view of Oldale et al., and further in view of U.S. Patent Application Publication No. 2002/0188949 to Wang et al.

(vii) Arguments

35 U.S.C. 103(a) states:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

**(A) Whether Claims 1-3 and 9-17 Are Unpatentable Over**

**Walker et al. In View Of Oldale et al.**

The Walker et al. publication discloses a system and method for supplying supplemental information for video programs, in which, in response to a query from the user, the system provides supplemental information relevant to the query.

The Oldale et al. publication discloses collaborative filtering, in which Oldale et al. teaches a method for generating recommendations for a user.

**(1) Claims 1 and 16**

The subject invention relates to the selective provision of complementary information to a video program being watched by a user. The system and method of the subject invention is characterized in that it anticipates the complementary information that the user may want and stores this anticipatory complementary information, and provides it to the user in response to a query request. In order to determine the anticipatory complementary

information, the system and method of the subject invention receives all of the available complementary information and based on stored user profile data, culls the anticipatory complementary information from the available complementary information and stores the anticipatory complementary information. To that end, the subject invention, as claimed in claim 1, includes "receiving complementary information for a video program" and "anticipating complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information", and in response to a query "retrieving the stored anticipatory complementary information" and "providing the anticipatory complementary information as the query response".

Appellants submit that Oldale et al. teaches "To make recommendations to a user the knowledge of the user's profile is combined with the predictive model, taking the item profiles as known. This generates predictions for the user's choices of objects and/or ratings of objects. The method depends on what approach is being used." However, Appellants submit that this relates to generating recommendations for the user, and not to efficiencies of storage, or responses to a possible query by the user.

The subject invention, on the other hand, anticipates what complementary information a user, while watching a program, would desire. This anticipatory complementary information is culled from all of the available complementary information, and is locally

stored, and subsequently supplied to the user in response to the user's query.

The Examiner acknowledges that Walker "fails to disclose the limitation wherein prior to receiving a query, the processor anticipates complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information, and wherein, in response to the query, the processor retrieves the stored anticipatory complementary information and provides the retrieved anticipatory complementary information as the query response." The Examiner then states "Oldale discloses a system for generating a recommendation guide based upon user preferences [0195] where the recommendations are a product of filtering the data and then subsequently storing it [0145]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include predictive searching technique in Walker's system to provide narrowed and more specific complementary information to the user based on the user profile."

Appellants submit that the Examiner is mistaken. There is only one "query" being asked in Oldale et al., to wit, "What program should I watch?"; but this query is not "related to a specified portion of the complementary information" for a video program. Rather, Oldale et al. is filtering descriptions of programs to arrive at recommendations for programs other than the video program being watched. Oldale et al. is not filtering complementary

information for a video program, but rather Oldale et al. is filtering information for other video programs.

Appellants submit that it is unclear how this could be used in Walker et al., i.e., the filtering of descriptive information of other video programs in order to recommend a video program (or programs) for the user.

Appellants further submit that to add the filtering of Oldale et al. to Walker et al. to filter the complementary information in order to anticipate a query from the user, and to store the anticipatory complementary information, would constitute impermissible hindsight reconstruction of the invention as disclosed in the present claims.

## **(2) Claims 2 and 17**

Claim 2 (and claim 17) includes the limitations "determining whether a predetermined amount of time has passed since the complementary information was updated in the video program" and "retrieving updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated".

The Examiner has indicated that this limitation is disclosed in Walker et al. in paragraph [0046].

Appellants submit that the Examiner is mistaken. In particular, the noted section of Walker et al. states:

"[0046] The synchronization information 32 comprises a running time-code that is updated on the display screen 31 at predetermined intervals. The preferred interval for updating the time-code is every second.



However, other intervals can also be used, for example, the time-code could be updated at specific milestones during the video program such as after each commercial break or every few minutes."

From the above, it appears that the time-code of the synchronization information is regularly updated, e.g., every second. The question remains, what is the synchronization information. This is answered in paragraph [0047]:

"[0047] As discussed above, the time-code ensures that the supplemental information is properly synchronized to the video program. It also allows the supplemental information to be synchronized to the video program that has been taped using a video cassette recorder ("VCR"). Therefore, the viewer may receive supplemental information for a TV program while it is being broadcast, or during a time-shifted playback of a previously broadcast TV program."

From the above, it should be apparent that the time-codes synchronizes the supplemental information to the video program. However, there is no disclosure or suggestion of determining whether a predetermined amount of time has passed since the supplemental information (corresponding to the complementary information of claim 2) was last updated, and for retrieving updated information at that time.

### (3) Claim 14

Claim 14 includes the limitation "providing a visual indicator to notify the consumer that complementary information is available upon request."

The Examiner has indicated that Walker et al. discloses this limitation at paragraph [0072].

Appellants submit that the Examiner is mistaken. In particular, Walker et al. states:

"[0072] As discussed above, viewer 80 may also select various options while the supplemental information is being presented. When optional or selectable information is available, viewer 80 is prompted by various means such as: pop windows, menu choices, dialog boxes, etc. appearing on the display 63. Methods of implementing these applications will be apparent to those skilled in the art, and will not be further described in the present disclosure. Viewer 80 can then exercise an option via an input device such as input device 62. In step S8, the response of viewer 80 is processed and the appropriate supplemental information is presented accordingly."

As should be apparent from the above, Walker et al. does provide pop windows, menu choices, dialog boxes, etc. for indicating optional or selectable information is available. However, as specifically noted by Walker et al., these are only available while the supplemental information is being presented (i.e., being viewed by the user). However, there is no disclosure or suggestion of "providing a visual indicator to notify the consumer that complementary information is available upon request."

**B. Whether Claims 6-8 Are Unpatentable Over Walker et al.**

**In View Of Oldale et al. And Wang et al.**

The above arguments concerning Walker et al. and Oldale et al. are incorporated herein.

**(1) Claim 6**

Claim 6 includes the limitation "wherein the consumer profile data comprising data identifying video programs previously viewed by the consumer."

The Wang et al. publication discloses a method and apparatus for generating a list of suggested scheduled television programs, in which, in order to suggest programs, the user profiles include characteristics of television programs previously viewed by the user.

However, Applicants submit that Wang et al. does not supply that which is missing from Walker et al. and Oldale et al., i.e., "anticipating complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information,

and wherein said step of providing a query response comprises the sub-steps of:

retrieving the stored anticipatory complementary information;  
and

providing the anticipatory complementary information as the query response".

Based on the above arguments, Appellants believe that the subject invention is not rendered obvious by the prior art and is patentable thereover. Therefore, Appellants respectfully request

that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by           /Edward W. Goodman/            
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Attorney

(viii) Claims Appendix

1. (Previously Presented) A method for providing complementary information for a video program, said method comprising the steps of:

receiving complementary information for a video program;  
receiving a query from a consumer, the query related to a specified portion of the complementary information; and

providing a query response to the consumer based on the specified portion of the complementary information,

wherein said method further comprises:

anticipating complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information,

and wherein said step of providing a query response comprises the sub-steps of:

retrieving the stored anticipatory complementary information; and

providing the anticipatory complementary information as the query response.

2. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the step of:

determining whether a predetermined amount of time has passed since the complementary information was updated in the video program; and

retrieving updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated.

3. (Previously Presented) The method as claimed in claim 1, wherein said step of receiving complementary information comprising retrieving complementary information directly from the video program.

4. (Cancelled).

5. (Cancelled).

6. (Previously Presented) The method as claimed in claim 1, wherein the consumer profile data comprising data identifying video programs previously viewed by the consumer.

7. (Previously Presented) The method as claimed in claim 6, wherein said method further comprises the step of:

automatically storing the consumer profile data identifying video programs previously viewed by the consumer when the video programs are viewed by the consumer.

8. (Previously Presented) The method as claimed in claim 6, wherein said method further comprises the step of:

storing the consumer profile data identifying video programs previously viewed by the consumer based on manual input by the consumer.

9. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the step of:

extracting complementary information from the video program using automatic person identification.

10. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the step of:

receiving a request that the query response be sent to a secondary screen.

11. (Previously Presented) The method as claimed in claim 1, wherein visual elements of the query response are configurable by the consumer.

12. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the step of:

receiving from the consumer an identification of complementary information as delayed complementary information, and providing the delayed complementary information to the consumer at a later time.

13. (Previously Presented) The method as claimed in claim 1, wherein the query comprising one of a "who?" query, a "what?" query, a "where?" query, a "when?" query, a "why?" query and a "how much?" query.

14. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the step of:

providing a visual indicator to notify the consumer that complementary information is available upon request.

15. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the step of:

displaying the query response on a secondary screen synchronously with the video program.

16. (Previously Presented) A system for providing complementary information for a video program, said system comprising:

a complimentary information module including a memory operable to store user data tables and complementary information; and

a processor operable to receive complementary information for a video program, to receive a query from a consumer, the query related to a specified portion of the complementary information, and to provide a query response to the consumer based on the specified portion of the complementary information,



wherein prior to receiving a query, the processor anticipates complementary information that might be requested by the consumer in response to said received complementary information and consumer profile data collected and stored in user data tables, and storing said anticipatory complementary information,

and wherein, in response to the query, the processor retrieves the stored anticipatory complementary information and provides the retrieved anticipatory complementary information as the query response.

17. (Previously Presented) The system as claimed in claim 16, wherein the processor is further operable to determine whether a predetermined amount of time has passed since the complementary information was updated in the video program and to retrieve updated information from at least one external data source when the predetermined amount of time has passed since the complementary information was updated.

18. (Cancelled).

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.